

Board of Zoning Adjustment

Staff Report

October 16, 2023



Case No:	23-VARIANCE-0108 & 23-WAIVER-0113
Project Name:	Kosair Shrine Freestanding Sign
Location:	4120 Bardstown Road
Owner(s):	Trustees of Kosair Shrine
Applicant:	Tim Hall, Chief Rabban, Kosair Shriners
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Heather Pollock, Planner I

REQUEST(S)

- **Variance** of Land Development Code (LDC), Section 8.3.3, Table 8.3.2 to allow a freestanding sign to exceed the maximum area permitted.
- **Waiver** of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential use.

CASE SUMMARY

The property is in the C-2 commercial zoning district and the Suburban Marketplace Corridor Form District. This property is located between Bardstown Road and Buechel Bypass where they intersect with Buechel Bank Rd. There is an existing freestanding columnar sign that is 93.45 sq. ft. and 23.5 ft. tall. The applicant is requesting to add a 72 sq. ft changing image sign to the existing sign, this will bring the total sign area to 165 sq. ft. and will not increase the height. The sign is located adjacent to Buechel Bypass. The sign location is approximately 221 ft. from a residentially used property across Buechel Bypass. The changing image portion of the sign will be visible to this residential property.

Associated Cases

- 09-115-85: Change of zoning from C-1 to C-2.
- B-214-06-96: Variance to allow 2 freestanding signs to exceed the maximum permitted dimensions.

STAFF FINDING

Staff finds that the variance and waiver are adequately justified based on staff's analysis contained in the standards of review.

TECHNICAL REVIEW

Requirements for Freestanding Signs and for Changing Image Signs:

Freestanding Sign in Suburban Marketplace Corridor	Permitted	Proposed
Total Sign Area/ Height (Per Variance B-214-06)	Maximum 100 sf./ 30 ft. tall	165 sf./ 23.5 ft. tall
Changing Image Sign Area	99 sf. (60% of total sign)	72 sf.
Sign Style (base width)	Any	Columnar

- Changing image signs may be included and shall be integrated within the overall design of a freestanding sign.
- No more than 60% of the freestanding sign shall be composed of the changing image sign.
- Changing image signs shall not be closer than 300 feet to a residentially used property or in a residential zoning district excluding properties exclusively used for non-residential purposes or the changing image sign is not visible to the residential property.
- All changing image signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIGN VARIANCE

- (a) The variance will not adversely affect the public health, safety, and welfare, will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations.

STAFF: The requested variance will not adversely affect the public health, safety and welfare and will not cause a hazard or a nuisance to the public, nor will it allow an unreasonable circumvention of the requirements of the zoning regulations as the sign will not impact the safe movement of pedestrians and vehicles as the sign is setback from the roadway and property entrances. With the exception of the residential use across Buechel Bypass, the adjacent land uses are commercial or light industrial.

- (b) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone as this is a large property surrounded by streets on all sides, and the existing sign is setback from the property line by about 65ft.

- (c) The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the regulations would create an unnecessary hardship on the applicant as the existing signage is very close to the maximum area permitted which leaves no flexibility for a smaller changing image sign. The sign is in character with the existing development on the site and with the surrounding nonresidential uses.

- (d) The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulations as work has not begun on the proposed sign for which the variance is being requested.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners, as the majority of adjacent uses are non-residential. Additionally, the changing image sign will not be directly facing the adjacent residential use and will have auto-dimming features.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate Community Form Goal 1 number 14: Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot developments, minimize the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials). The proposed sign is compatible with this guideline, it is columnar style, and of a design compatible with existing development on the site and other signage in the area.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulations is the minimum necessary to afford relief to the applicant as the sign location is approximately 221 ft. from a residentially used property across Buechel Bypass.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived, the changing image sign will be on the bottom portion of the sign, and it will not be directly facing the adjacent residential use, this will mitigate the impact the sign has. Additionally, the proposed area of the changing image sign is less than the 60% of the total sign area permitted.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance** of Land Development Code (LDC), Section 8.3.3, Table 8.3.2 to allow a freestanding sign to exceed the maximum area permitted.
- **APPROVE** or **DENY** the **Waiver** of LDC Section 8.2.1.D.6 to allow a changing image sign within 300 ft. of residential use

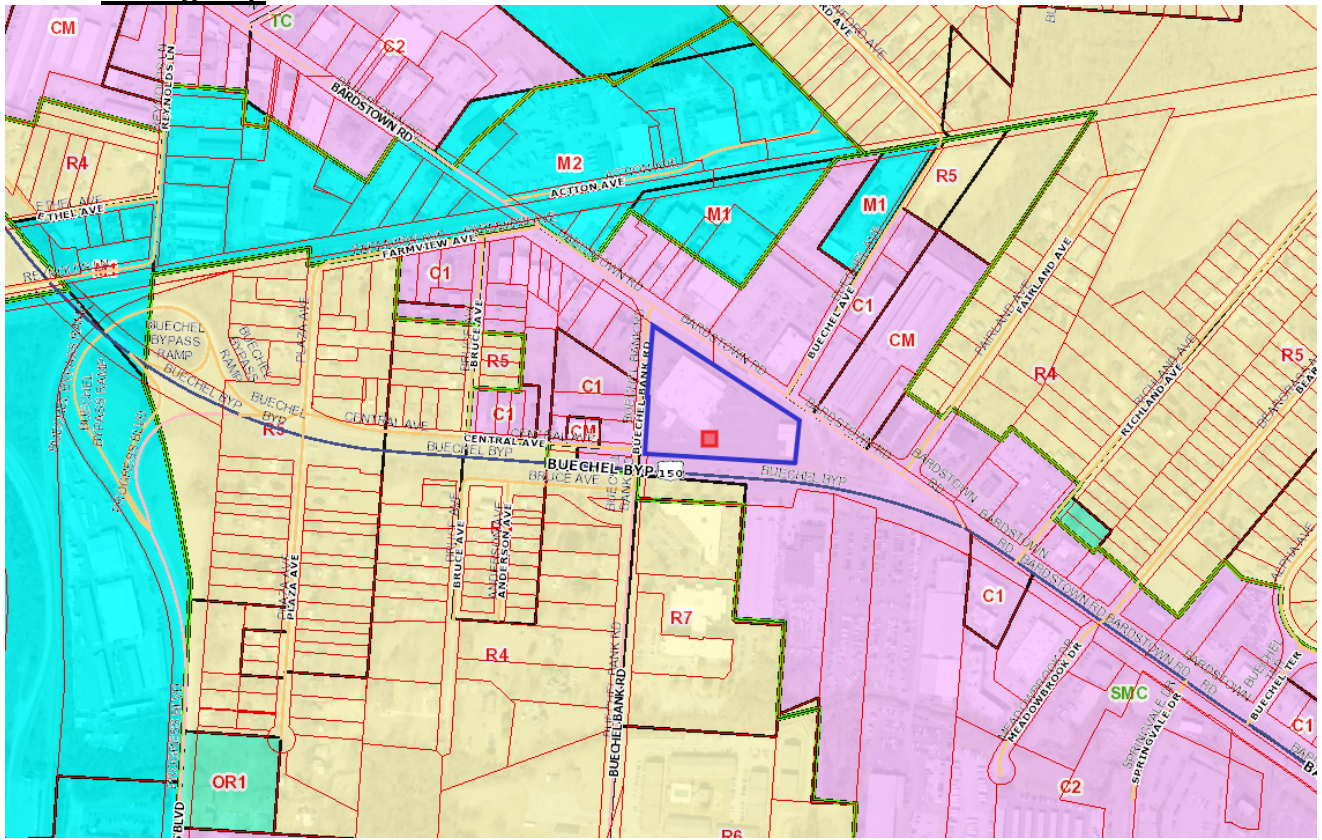
NOTIFICATION

Date	Purpose of Notice	Recipients
10/02/2023	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2
10/02/2023	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

